Adult Protective Services

Pennsylvania Link to Aging and Disability Resources
Adult Protective Services History

- The Adult Protective Services (APS) Law (Act 70 of 2010) was enacted to provide protective services to adults between 18 and 59 years of age who have a physical or mental impairment that substantially limits one or more major life activities.

- Funding first provided during state fiscal year 2012-13.

- Act 70 is the bridge between CPSL and OAPSA and mirrors OAPSA in many ways.
Adult Protective Services History

- Prior to April 1, 2015, there was a Memorandum of Understanding (MOU) between the Department of Human Services (DHS) and the Pennsylvania Department of Aging (PDA) to provide interim APS coverage prior to completion of the competitive bidding process.

- Effective April 1, 2015, Liberty Healthcare Corporation is the statewide contracted provider of protective services.
What is the APS Agency (Liberty Healthcare Corporation) required to do?

- Investigate allegations
- Determine if abuse, neglect, exploitation or abandonment has occurred
- Provide services to adults who voluntarily consent
- Cooperatively develop a service plan with agency staff, the adult, the adult’s guardian and other family and advocates when appropriate
- Provide services in the least restrictive environment and the most integrated setting
- Provide Guardianship as needed
Liberty Healthcare APS Regions

APS Regions

West – Cinda Watkins – Dennis McCune
Central – Sheila Caperelli – Jeff Paulinelli
East – Carlotta Alston – Ben Walton

www.dhs.state.pa.us
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Eligibility Criteria

Who is eligible to receive protective services?

• A resident of the Commonwealth

• An adult between 18 and 59 years of age with a physical or mental impairment that substantially limits one or more major life activities

• An adult who needs the assistance of another person to obtain protective services in order to prevent imminent risk to person or property
Call the Statewide Protective Services Hotline (1-800-490-8505) to report an allegation of suspected abuse, neglect, exploitation or abandonment of an individual between 18 and 59 years of age with a physical or mental impairment.

Mandated Reporters must also contact law enforcement and DHS for cases of suspicious death, serious injury, serious bodily injury or sexual abuse.

Protective Services Hotline is answered by local Area Agency on Aging (AAA) who completes a Report of Need (RON) and documents the report in the Social Assistance Management System (SAMS).
The AAA notifies Liberty Healthcare that the RON is in SAMS.

Liberty Healthcare Intake Staff evaluate information in the RON to determine if individual meets eligibility criteria and classifies the case as either “Priority, Non-priority, or No Need”

Cases determined to be “No Need” will be reviewed by an APS Supervisor and may be referred for other services as needed.

Liberty Intake staff also notify all appropriate licensing agencies of the Report of Need.
All cases classified as “Priority” or “Non-priority” are assigned to an APS caseworker for investigation. Investigations must be initiated within 24 hours for “Priority” cases and within 72 hours for “Non-priority” cases.

APS Caseworker initiates investigation within required timeframes, assesses risk, investigates allegation(s), determines if allegation is substantiated or unsubstantiated, and mitigates risk if necessary.
APS may provide or arrange for services intended to ensure the adult’s immediate safety and well-being.

Protective services provided must be the least restrictive and in the most integrated setting.

An adult shall only receive protective services voluntarily. In no event may protective services be provided to an adult who refuses consent to the services or who, having consented, withdraws the consent, unless the services are ordered by a court.
Report of Need Categorization

• **Priority:** Priority reports require immediate attention because specific details in the report indicate the possibility that the adult reported to need protective services is at imminent risk of death or serious injury or serious bodily injury. The investigation shall be initiated immediately for a priority report.

• **Non-priority:** A non-priority report does not appropriately fall within the priority category and, therefore, does not require immediate attention by the agency. These investigations must be initiated within 72 hours.
Report of Need Categorization

- **No need for protective services:** A report shall be placed in this category when the person reported to be in need of protective services meets either of the following criteria:

  (a) **has the capacity to perform or obtain, without help, services necessary to maintain physical or mental health**

  (b) **is not at imminent risk or danger to his person or property**
Report of Need

www.dhs.state.pa.us
Report of Need
Report of Need
Report of Need

www.dhs.state.pa.us
Who is a mandated reporter?

- Assisted Living Facility
- Domiciliary Care Home
- Home Health Care Agency
- Intermediate Care Facility for Individuals with Intellectual Disabilities or with Other Related Conditions
- Nursing Facility
- Older Adult Daily Living Center
- Personal Care Home
- Residential Treatment Facility
- An organization or group of people that use public funds and is paid, in part, to provide care and support to adults in a licensed or unlicensed setting
1. An administrator or employee who has reasonable cause to suspect that a recipient is a victim of abuse, neglect, exploitation or abandonment will immediately make an oral report to the statewide Protective Services Hotline by calling 1-800-490-8505.

2. Within 48 hours of making the oral report, the administrator or employee will email a written report to Liberty Healthcare at the following address: RA-PWAPS MandatoryRon@pa.gov or fax the report to 484-434-1590. The following written report forms may be used:
   - The mandatory reporting form found on the Department’s website;
   - An administrator or employee of a nursing facility, licensed by Department of Health, may submit a PB-22 form;
   - An administrator or employee may submit a Home and Community Services Information System (HCSIS) incident report (Printable Summary) or an Enterprise Incident Management (EIM) report.
3. An administrator or employee of a facility will continue to follow all required incident management regulations, policies and procedures.
Additional Reporting Requirements

If the case involves sexual abuse, serious injury, serious bodily injury or suspicious death, in addition to the previous steps, an employee/administrator must also:

1. Make an immediate oral report to law enforcement
2. Make an immediate oral report to the DHS staff responsible for the Adult Protective Services Program at 717-265-7887, select option #3.
3. Within 48 hours of making the oral report, submit a written report to law enforcement. This written report can be the mandatory reporting form found on the Department’s website, the PB-22, a HCSIS incident report, or the EIM report form.

Please see the written guidance provided to employees and administrators of facilities for specific details and definitions
Statutory Definitions

Abuse:
• Infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish
• Willful deprivation by a caregiver of goods or services which are necessary to maintain physical or mental health
• Sexual harassment, rape or abuse as the term is defined in 23 Pa.C.S. § 6102

Neglect: The failure to provide for oneself or the failure of a caregiver to provide goods, care or services essential to avoid clear and serious threat to the physical or mental health of an adult
**Exploitation:** An act or course of conduct by a caregiver or other person against an adult or an adult’s resources, without the informed consent of the adult or with consent obtained through misrepresentation, coercion or threats of force, that results in monetary, personal or other benefit, gain or profit for the perpetrators or monetary or personal loss to the adult.

**Abandonment:** The desertion of an adult by a caregiver.
Statutory Definitions

Serious bodily injury:
• Injury that:
  (1) creates a substantial risk of death; or
  (2) causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ

Serious injury:
• An injury that:
  (1) causes a person severe pain; or
  (2) significantly impairs a person's physical or mental functioning, either temporarily or permanently
Sexual abuse:

• Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault or incest, as defined by 18 Pa.C.S. (relating to crimes and offenses)
Sexual Harassment:

• Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

• NOTE: Sexual harassment is an abuse that requires reporting to the Protective Services Hotline; however, it is not sexual abuse which requires reporting to DHS and local law enforcement.
NEXT SLIDES CONTAIN GRAPHIC PICTURES
Hoarding
Photos Prior to Double Amputation

www.dhs.state.pa.us

www.dpw.state.pa.us
Decubitus Ulcer

www.dhs.state.pa.us
Decubitus Ulcer

www.dhs.state.pa.us
Paid Caregiver Neglect

www.dhs.state.pa.us
Neglect

www.dhs.state.pa.us
How to Report

STOP

 HOW TO REPORT

1-800-490-8505

www.dhs.state.pa.us
Report Abuse

CHILD ABUSE:
To report child abuse call 1-800-932-0313.

If you are a mandated reporter go to www.compass.state.pa.us/cwis. To learn more about protecting Pennsylvania’s children from abuse and neglect go to www.KeepKidsSafe.pa.gov

ADULTS WITH DISABILITIES ABUSE:
To report abuse for adults with disabilities call the 24-hour, statewide Protective Services Hotline at 1-800-490-8505.

To learn more about reporting abuse, neglect, exploitation or abandonment, click here.
Adult Protective Services

In 2010, the Adult Protective Services (APS) Law, Act 70 of 2010, was enacted to provide protective services to adults between 18 and 69 years of age who have a physical or mental impairment that substantially limits one or more major life activities. The APS Law establishes a program of protective services in order to detect, prevent, reduce and eliminate abuse, neglect, exploitation and abandonment of adults in need.

A report can be made on behalf of the adult whether they live in their home or in a care facility such as a nursing facility, group home, hospital, etc. Reporters may remain anonymous and have legal protection from retaliation, discrimination, and civil and criminal prosecution.

To report the need for protective services, call the 24-hour, statewide Protective Services Hotline at:

1-800-490-8505

The hotline is to be used for reports only. Questions should be directed to the APS Division at RAPWAPSSQuestions@pa.gov or call 717-736-7115.

Common Signs of Abuse May Include:

- Bruises or Broken Bones
- Weight Loss

www.dhs.state.pa.us
The hotline is to be used for reports only. Questions should be directed to the APS Division at RA-PWAPSQuestions@pa.gov or call 717-736-7116.

Common Signs of Abuse May Include:

- Bruises or Broken Bones
- Weight Loss
- Memory Loss
- Personality Changes
- Social Isolation
- Changes in Banking Habits
- Giving Away Assets such as money, property, etc.

Information for Mandatory Reporters:

- Who is a Mandatory Reporter?
- Mandatory Reporter Informational Guidance
- Act 70 Mandatory Reporter Form
- Mandatory Reporter Form Instructions
- Webinar for Mandatory Reporters
- Mandatory Reporter Webinar PowerPoint

If you have questions about the APS program, please see our Frequently Asked Questions (FAQ).

If you have questions about the APS Law, mandatory reporting or protective services, please contact the Adult Protective Services Division at the Department of Human Services via email: RA-PWAPSQuestions@pa.gov or call 717-736-7116.
Frequently Asked Questions (FAQs)

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Questions and Additional Information

• Questions or requests for additional information regarding the Adult Protective Services program can be sent to the following email address:
  RA-PWAPSPQuestions@pa.gov

• If you do not have access to email, please call:
  717-736-7116